

NATIONAL INDUSTRIAL RELATIONS COMMISSION ISLAMABAD
FULL BENCH AT ISLAMABAD

Before: **Mr. Justice (F) Abdul Rasool Memon, Chairman**
Mr. Shabbir Hussain Awan, Member
Syed Noor ul Hassnain, Member

Appeal No.12(18)/2023

Aqeal Ahmed Vs IESCO etc

Present: Mr. Abdul Hafeez Amjad, advocate for appellant.
Mr. Muhammad Asif Khan, advocate for respondents.

ORDER

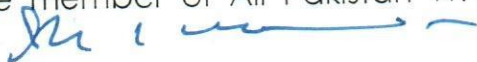
15.12.2023 **Shabbir Hussain Awan, Member.**

Facts giving rise to the instant appeal are that the appellant petitioner filed a grievance petition under Section 54(e), IRA, 2012 by stating therein that he was a permanent employee of the respondent establishment. Who was performing duty of Account Officer, he was also active member of all Pakistan WAPDA Hydro Electric Central Worker Union. The respondent issued transfer order dated 09-08-2023 just to pressurize the appellant amounting to unfair labour practice etc.

2. The respondent resisted the petition through written reply by resisting the grievance petition on factual as well as legal ground.

3. After hearing the arguments of learned counsel for the parties the learned member dismissed the petition vide order dated 12-09-2023. Feeling aggrieved the instant appeal.

4. It is argued by Mr. Abdul Hafeez Amjad, learned counsel for the appellant that impugned order being a nullity in the eye of law is no more sustainable because the learned Member has dismissed the petition, by wrongly interpreting the definition of worker. That he is active member of All Pakistan WPADA Hydro Electric Workers Union;



that the designation and salary are no more determining factor regarding the status of a workman. In fact it is nature of duty perform by a person with determine the status but the learned Member has not attended this legal aspect of the matter. Hence, the impugned order be set aside while allowing the appeal.

5. Mr. M. Asif Khan, Learned counsel for the respondent contends that the transfer order has been challenged by the appellant has been acted upon, therefore, the appeal being infructuous is liable to be dismissed.

6. Having given our decent consideration. The available record demonstrates that the appellant in line with his transfer order dated 10-08-2023 (which was challenged before the Single Member) reported to his new place of duty on 10-08-2023 forenoon, i.e on the very next day of his transfer order, as is evident from charge report certificate dated 10-08-2023.

7. Since, the order under fire has been acted upon, therefore, the appeal being without merits is hereby dismissed. File be consigned to Record Room.

(Abdul Rasool Memon)
Chairman

(Syed Noor ul Hassnain)
Member

(Shabbir Hussain Awan)
Member